

ORIGINAL

Kenneth R. Boley
kboleym@olaw.com

Tel 202/887-6230
Fax 202/887-6231

VIA HAND DELIVERY

May 1, 2003

EX PARTE

Marlene Dortch
Secretary
Federal Communications Commission
The Portals
TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

MAY - 1 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

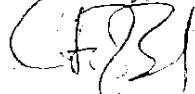
Re: Notice of Oral *Ex Parte* Presentation
CC Docket Nos. 02-33, 98-10, 95-20, 01-337

Dear Ms. Dortch:

On April 30, 2003, Dave Baker, Vice President for Law and Public Policy, EarthLink, Inc., and the undersigned met with Christopher Libertelli, Legal Advisor to Chairman Powell, to discuss the *Wireline Broadband* proceeding. The parties discussed the EarthLink *ex parte* letter filed April 29, 2003, explaining the legal framework requiring incumbent local exchange carriers ("LECs") to provide wholesale DSL to independent Internet service providers ("ISPs") on a common carrier basis, as well as other materials filed by EarthLink in this proceeding. A copy of this letter had been provided to Mr. Libertelli when it was filed with the Secretary. EarthLink expressed the importance of continued access to wholesale DSL on terms no less advantageous than those an incumbent LEC offers its preferred ISP, whether that ISP be affiliated or unaffiliated with the incumbent LEC. EarthLink also explained that providing incumbent LECs the "option" of offering wholesale DSL service to independent ISPs on a private carriage basis was no different from the reclassification this proceeding has considered from the start.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, eight copies of this Notice are being provided to you for inclusion in the public record in the above-captioned proceedings. Should you have any questions, please contact me.

Sincerely,



Kenneth R. Boley
Counsel for EarthLink, Inc.

cc: Christopher Libertelli